

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California ISP Association, Inc.,

Complainant,

v.

Pacific Bell Telephone Company (U-1001-C); SBC
Advanced Solutions, Inc. (U-6346-C) and
Does 1-20,

Defendants.

Case 01-07-027
(Filed July 26, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING DEFENDANT AN EXTENSION OF TIME IN WHICH TO ANSWER
THE COMPLAINT, GRANTING WITHDRAWAL OF MOTION FOR
TEMPORARY RESTRAINING ORDER
AND SETTING A PREHEARING CONFERENCE**

1. Extension Request

All parties to this action requested an extension of the deadline by which the defendants are required to file an answer to the complaint. The request is granted.¹ Defendants shall file and serve an answer by no later than October 22, 2001, and shall provide a copy of the answer to the assigned Administrative Law Judge (ALJ) by overnight mail or by e-mail addressed to dot@cpuc.ca.gov by that

¹ The answer to the complaint was initially due on August 27, 2001, and two previous extension requests have already been granted. No further continuances will be granted.

date. This same deadline shall apply to any motions to dismiss and to responses to Complainant's Notice of Intent to Claim Compensation.

2. Request to Withdraw Motion

On September 10, 2001, Complainant filed a request to withdraw its earlier Motion for Issuance of a Temporary Restraining Order and for an Order to Show Cause. The request to withdraw was based on a Digital Subscriber Line (DSL) transport service tariff filed by SBC Advanced Solutions Inc. (SBC-ASI) with the Federal Communications Commission (FCC) on September 7, 2001.

Complainants state that because the FCC tariff affords California ISPs a means of obtaining DSL transport service without the need for signing the "General Services Agreement" previously presented by SBC-ASI, California ISPs do not at this time face the prospect of losing access to DSL transport services if they do not sign this agreement. The request to withdraw the motion is granted. A hearing on the motion, which had been set for September 17, 2001, was removed from the calendar.

3. Prehearing Conference

A prehearing conference (PHC) is set for October 29, 2001, at 2:00 p.m. The PHC will be held in the at 505 Van Ness Avenue, State Office Building, Commission Courtroom, in San Francisco, California.

The PHC is called to determine the positions of the parties, the issues, the schedule for the proceeding, and other procedural matters.

The parties shall file and serve PHC statements, which address the following issues, by Friday, October 26, 2001:

- The status of settlement discussions;
- The issues that each party intends to ask the Commission to decide;
- Whether a hearing is necessary;
- A preliminary list of witnesses that the party intends to call, with a brief description of the subject matter of each witness' testimony;
- A proposed hearing date;
- Proposed dates for the service of any prepared written testimony and reply testimony; and
- The anticipated number of hearing days.

The parties shall also provide the assigned ALJ with a copy of the PHC statements by e-mail addressed to dot@cpuc.ca.gov no later than 5:00 p.m., on October 26, 2001.

IT IS RULED that:

1. Defendants shall file and serve an answer to the complaint no later than October 22, 2001.
2. Complainant's request to withdraw the motion regarding issuance of a temporary restraining order is granted.
3. A prehearing conference (PHC) is set for October 29, 2001, at 2:00 p.m., as set forth in this ruling.

4. Parties shall file and serve PHC statements as set forth in this ruling no later than 5:00 p.m., on October 26, 2001.

Dated September 28, 2001, at San Francisco, California.

/s/ DOROTHY J. DUDA

Dorothy J. Duda
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Defendant an Extension of Time in Which to Answer the Complaint, Granting Withdrawal of Motion for Temporary Restraining Order and Setting a Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated September 28, 2001, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.